

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED	
DATE: 6-29-11 ✓	431 o'clock P.M.
Sandra K Markham, Clerk	
BY: Rhondi Hagen	Deputy

DIVISION PRO TEM B

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: R. Hagen, Deputy Clerks

CASE NO. V1300CR201080049

DATE: June 29, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney

By Sheila Polk

Bill Hughes

(Via OnBase)

(Plaintiff)

(For Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly

(Via Electronic Mail)

(Defendant)

(For Defendant)

and

Luis Li/Brad Brian/Truc Do/Miriam Seifter

MUNGER TOLLES & OLSON LLP

(Via Electronic Mail)

(For Defendant *Pro Hac Vice*)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

JURY TRIAL / AGGRAVATED CIRCUMSTANCE PHASE

Mina Hunt

START TIME: 9:26 a.m.

APPEARANCES:

Sheila Polk, Counsel for State

Bill Hughes, Co-Counsel for State

Detective Ross Diskin, Case Agent

James Arthur Ray, Defendant

Tom Kelly, Counsel for Defendant

Luis Li, *Pro Hac Vice* Counsel for Defendant

Miriam Seifter, *Pro Hac Vice* Counsel for Defendant

The State has rested. Defense has nothing further.

Counsel for State presents closing arguments.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record.

State continues closing arguments.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record.

The Jury is admonished, excused for a recess and leaves the courtroom.

Counsel present oral argument regarding Defense's objection to the playing of Exhibit 734 for the Jury and whether or not the exhibit is an admitted exhibit. Counsel for State avows that the audio being played are admitted excerpts. Argument continues. The Court takes a recess to determine the correct status of Exhibit 734.

~~~Recess~~~

At 10:28 a.m. the trial reconvenes with all previously appearing parties and the Jury present.

State resumes closing arguments.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record.

State continues closing arguments.

At 11:05 a.m. the Defense presents closing arguments.

At 11:37 a.m. the State presents final closing arguments.

Alternate Jurors Nos. 7 and 8 are excused and admonished.

The Bailiff, Heidi Rybar, is sworn and at 11:47 a.m. the Jury retires in the custody of the Bailiff to consider its verdict.

Counsel for Defendant re-raises the issue from yesterday regarding Keith Evans. Counsel for State advises the Court that Keith Evans is an employee in her office. The Court informs the County Attorney and all attorneys in the DeMocker matter that the Court has reviewed the document in question. The Court believes this issue needs to be addressed further at some future time.

The Court and Counsel discuss playing of Exhibit 734. The Court advises that it has directed the Supervising Clerk of the Clerk's Office to preserve the FTR Gold record for the entirety of this trial.

~~~Recess~~~

At 2:21 p.m. the Court and Counsel review questions by the Jury during deliberation; an answer is delivered to the Jury by the Bailiff.

Defense Counsel moves to strike a particular aggravating factor. Counsel for State objects. Discussion ensues. No aggravating factors are stricken.

~~~Recess~~~

At 4:25 p.m. the trial reconvenes with all previously appearing parties present. The Jury is not present. Counsel are advised that the Jury has requested additional time.

At 4:26 p.m. the Jury enters the courtroom. The Court addresses the Jury regarding the admonition, the Jury is excused for the day and leaves the courtroom.

Counsel for Defense advises the Court that Alternate Juror No. 8 was present in the audience. Discussion ensues. The Court advises that the alternates may be present when the verdict is read. Further discussion.

**IT IS ORDERED** that the trial exhibits shall remain secured in the Court's Jury Room until the Jury reaches a decision in this matter.

**END TIME: 4:31 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Camp Verde Superior Court Building  
Donna McQuality, Supervisor, Prescott Courthouse  
Exhibit Clerk